

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 1115 OF 2002

Union of India and others Petitioner.

versus

Shri B.M.Choudhary Respondent.

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Shri P.M.Pradhan for the petitioner.
Shri Rameshkumar Ramamurthy for the Respondent.

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**CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.**

DATED; 9TH MARCH, 2005.

P.C.;

1. By this petition, the petitioner, Union of India, has claimed a direction requiring the Government to adopt the sealed envelop procedure in relation to his consideration for promotion to the post of Chief Commissioner. That procedure is to be adopted in the event of a pending enquiry. If and when the enquiry starts and is completed it is open for the petitioner to make this claim. At present Departmental Enquiry has not yet commenced and hence there is no question of granting this prayer. The petition is therefore rejected as premature. The Tribunal should not be directed to adopt opening of sealed procedure in this case. The order of tribunal is wrong and therefore is set aside.

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